

AMENDED IN ASSEMBLY MARCH 13, 2006  
AMENDED IN ASSEMBLY AUGUST 25, 2005  
AMENDED IN ASSEMBLY JULY 7, 2005  
AMENDED IN SENATE APRIL 27, 2005  
AMENDED IN SENATE APRIL 11, 2005  
AMENDED IN SENATE MARCH 16, 2005

## SENATE BILL

**No. 156**

**Introduced by Senator Soto  
(Coauthor: Senator Alquist)**

(Coauthors: ~~Assembly Members Benoit, Koretz, Mountjoy, and  
Mullin~~)

February 8, 2005

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An act to amend ~~Sections 597b and 597j of, and to repeal and add  
Section 597e of, the Penal Code, relating to animal fighting  
exhibitions. Section 13159.1 of the Health and Safety Code, relating  
to public safety.~~

### LEGISLATIVE COUNSEL'S DIGEST

SB 156, as amended, Soto. ~~Animal fighting exhibitions. Public  
safety: firefighting.~~

*Existing law directs the State Fire Marshal to establish training  
requirements and a curriculum that include criteria recommended by  
the Emergency Response Training Advisory Committee, as specified.*

*This bill would require the State Fire Marshal to contract with the  
California Firefighter Joint Apprenticeship Program for the  
development of curriculum criteria.*

~~Existing law generally prohibits a person, for amusement or gain, from causing or permitting specified animals to engage in fighting, and prohibits a person from owning or training specified animals for those purposes or from being present as a spectator at any such animal fight. Existing law provides that these offenses are misdemeanors with various penalties, and that subsequent violations of these provisions are misdemeanors with additional specified penalties, except in unusual circumstances where the interests of justice would be better served by the imposition of a lesser sentence.~~

~~This bill would revise these provisions to provide, instead, that it shall be a misdemeanor for any person to be “knowingly present” as a spectator at any animal fight; increase the penalties for the above-specified misdemeanors; and delete the authority to impose a lesser sentence in the interests of justice.~~

~~By changing an element of an existing crime and by changing the penalties of existing crimes, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~yes~~ no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 13159.1 of the Health and Safety Code
- 2     is amended to read:
- 3     13159.1. (a) The State Fire Marshal shall establish additional
- 4     training standards that include the criteria for curriculum content
- 5     recommended by the Emergency Response Training Advisory
- 6     Committee established pursuant to Section 8588.10 of the
- 7     Government Code, involving the responsibilities of first
- 8     responders to terrorism incidents and to address the training
- 9     needs of those identified as first responders.
- 10    (b) The State Fire Marshal shall contract with the California
- 11    Firefighter Joint Apprenticeship Program for the development of
- 12    curriculum content criteria specified in subdivision (a).

(c) Every paid and volunteer firefighter assigned to field duties in a state or local fire department or fire protection or firefighting agency may receive the appropriate training described in this section. Pertinent training previously completed by any jurisdiction's firefighters and meeting the training standards of this section may be submitted to the State Fire Marshal to assess its content and determine whether it meets the training requirements prescribed by the State Fire Marshal.

~~SECTION 1. Section 597b of the Penal Code is amended to read:~~

~~597b. (a) Except as provided in subdivisions (b) and (c), any person who, for amusement or gain, causes any bull, bear, or other animal, not including any dog, to fight with like kind of animal or creature, or causes any animal, including any dog, to fight with a different kind of animal or creature, or with any human being, or who, for amusement or gain, worries or injures any bull, bear, dog, or other animal, or causes any bull, bear, or other animal, not including any dog, to worry or injure each other, or any person who permits the same to be done on any premises under his or her charge or control, or any person who aids, abets the fighting or worrying of an animal or creature, is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed five thousand dollars (\$5,000), or by both that imprisonment and fine.~~

~~(b) Any person who, for amusement or gain, causes any cock to fight with another cock or with a different kind of animal or creature or with any human being; or who, for amusement or gain, worries or injures any cock, or causes any cock to worry or injure another animal; and any person who permits the same to be done on any premises under his or her charge or control, and any person who aids or abets the fighting or worrying of any cock is guilty of a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both that imprisonment and fine.~~

~~(c) A second or subsequent conviction of this section is a misdemeanor punishable by imprisonment in a county jail for a period not to exceed one year, by a fine not to exceed twenty-five~~

1 ~~thousand dollars (\$25,000), or by both that imprisonment and~~  
2 ~~fine.~~

3 ~~(d) For the purposes of this section, aiding and abetting a~~  
4 ~~violation of this section shall consist of something more than~~  
5 ~~merely being present or a spectator at a place where a violation is~~  
6 ~~occurring.~~

7 ~~SEC. 2.— Section 597e of the Penal Code is repealed.~~

8 ~~SEC. 3.— Section 597e is added to the Penal Code, to read:~~

9 ~~597e. Any person who is knowingly present as a spectator at~~  
10 ~~any place, building, or tenement for an exhibition of animal~~  
11 ~~fighting, or who is knowingly present at that exhibition or is~~  
12 ~~knowingly present where preparations are being made for the~~  
13 ~~acts described in subdivision (a) or (b) of Section 597b, is guilty~~  
14 ~~of a misdemeanor.~~

15 ~~SEC. 4.— Section 597j of the Penal Code is amended to read:~~

16 ~~597j. (a) Any person who owns, possesses, keeps, or trains~~  
17 ~~any bird, cock, or other animal with the intent that it be used or~~  
18 ~~engaged by himself or herself, by his or her vendee, or by any~~  
19 ~~other person in an exhibition of fighting as described in Section~~  
20 ~~597b is guilty of a misdemeanor punishable by imprisonment in~~  
21 ~~a county jail for a period not to exceed one year, by a fine not to~~  
22 ~~exceed five thousand dollars (\$5,000), or by both that~~  
23 ~~imprisonment and fine.~~

24 ~~(b) This section shall not apply to an exhibition of fighting of~~  
25 ~~a dog with another dog.~~

26 ~~(c) A second or subsequent conviction of this section is a~~  
27 ~~misdemeanor punishable by imprisonment in a county jail for a~~  
28 ~~period not to exceed one year, by a fine not to exceed twenty-five~~  
29 ~~thousand dollars (\$25,000), or by both that imprisonment and~~  
30 ~~fine.~~

31 ~~SEC. 5.— No reimbursement is required by this act pursuant to~~  
32 ~~Section 6 of Article XIII B of the California Constitution because~~  
33 ~~the only costs that may be incurred by a local agency or school~~  
34 ~~district will be incurred because this act creates a new crime or~~  
35 ~~infraction, eliminates a crime or infraction, or changes the~~  
36 ~~penalty for a crime or infraction, within the meaning of Section~~  
37 ~~17556 of the Government Code, or changes the definition of a~~

1 ~~crime within the meaning of Section 6 of Article XIII B of the~~  
2 ~~California Constitution.~~

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